

ASSEMBLY, No. 3189

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 24, 2020

Sponsored by:

Assemblywoman NANCY F. MUNOZ

District 21 (Morris, Somerset and Union)

SYNOPSIS

Requires public bodies to publish detailed agenda prior to public meeting.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning meetings of public bodies and amending
2 P.L.1975, c.231.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. Section 3 of P.L.1975, c.231 (C.10:4-8) is amended to read
8 as follows:

9 3. As used in this act:

10 a. "Public body" means a commission, authority, board,
11 council, committee or any other group of two or more persons
12 organized under the laws of this State, and collectively empowered
13 as a voting body to perform a public governmental function
14 affecting the rights, duties, obligations, privileges, benefits, or other
15 legal relations of any person, or collectively authorized to spend
16 public funds including the Legislature, but does not mean or include
17 the judicial branch of the government, any grand or petit jury, any
18 parole board or any agency or body acting in a parole capacity, the
19 State Commission of Investigation, the Apportionment Commission
20 established under Article IV, Section III, of the Constitution, or any
21 political party committee organized under Title 19 of the Revised
22 Statutes.

23 b. "Meeting" means and includes any gathering whether
24 corporeal or by means of communication equipment, which is
25 attended by, or open to, all of the members of a public body, held
26 with the intent, on the part of the members of the body present, to
27 discuss or act as a unit upon the specific public business of that
28 body. Meeting does not mean or include any such gathering (1)
29 attended by less than an effective majority of the members of a
30 public body, or (2) attended by or open to all the members of three
31 or more similar public bodies at a convention or similar gathering.

32 c. "Public business" means and includes all matters which
33 relate in any way, directly or indirectly, to the performance of the
34 public body's functions or the conduct of its business.

35 d. "Adequate notice" means written advance notice of at least
36 48 hours, giving the time, date, location and, to the extent known,
37 the agenda of any regular, special or rescheduled meeting, which
38 notice shall accurately state whether formal action may or may not
39 be taken and which shall be (1) prominently posted in at least one
40 public place reserved for such or similar announcements, (2)
41 mailed, telephoned, telegraphed, or hand delivered to at least two
42 newspapers which newspapers shall be designated by the public
43 body to receive such notices because they have the greatest
44 likelihood of informing the public within the area of jurisdiction of
45 the public body of such meetings, one of which shall be the official

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 newspaper, where any such has been designated by the public body
2 or if the public body has failed to so designate, where any has been
3 designated by the governing body of the political subdivision whose
4 geographic boundaries are coextensive with that of the public body
5 and (3) filed with the clerk of the municipality when the public
6 body's geographic boundaries are coextensive with that of a single
7 municipality, with the clerk of the county when the public body's
8 geographic boundaries are coextensive with that of a single county,
9 and with the Secretary of State if the public body has Statewide
10 jurisdiction. For any other public body the filing shall be with the
11 clerk or chief administrative officer of such other public body and
12 each municipal or county clerk of each municipality or county
13 encompassed within the jurisdiction of such public body. Where
14 annual notice or revisions thereof in compliance with section 13 of
15 this act set forth the location of any meeting, no further notice shall
16 be required for such meeting.

17 e. “Agenda” means a written document that includes each item
18 of public business that is scheduled to be considered at a meeting of
19 a public body and is sufficiently detailed and thorough so as to
20 provide all relevant information, including any supporting
21 documentation, in order to ensure the opportunity for an appropriate
22 and meaningful public review of each item to be considered.

23 (cf: P.L.1981, c.176, s.2)

24
25 2. Section 4 of P.L.1975, c.231 (C.10:4-9) is amended to read
26 as follows:

27 4. a. Except as provided by subsection b. of this section, or for
28 any meeting limited only to consideration of items listed in [section
29 7. b.] subsection b. of section 7 of P.L.1975, c.231 (C.10:4-12), no
30 public body shall hold a meeting unless adequate notice thereof,
31 including an agenda, has been provided to the public.

32 b. Upon the affirmative vote of three quarters of the members
33 present a public body may hold a meeting notwithstanding the
34 failure to provide adequate notice if:

35 (1) such meeting is required in order to deal with matters of
36 such urgency and importance that a delay for the purpose of
37 providing adequate notice would be likely to result in substantial
38 harm to the public interest; **[and]**

39 (2) the meeting is limited to discussion of and acting with
40 respect to such matters of urgency and importance; **[and]**

41 (3) notice of such meeting is provided as soon as possible
42 following the calling of such meeting by posting written notice of
43 the same in the public place described in **[section 3. d. above]**
44 subsection d. of section 3 of P.L.1975, c.231 (C.10:4-8), and also by
45 notifying the two newspapers described in **[section 3. d.]**
46 subsection d. of section 3 of P.L.1975, c.231 (C.10:4-8) by

1 telephone, telegram, or by delivering a written notice of same to
2 such newspapers; and

3 (4) either (a) the public body could not reasonably have foreseen
4 the need for such meeting at a time when adequate notice could
5 have been provided **【;】** or (b) although the public body could
6 reasonably have foreseen the need for such meeting at a time when
7 adequate notice could have been provided, it nevertheless failed to
8 do so.

9 (cf: P.L.1975, c.231, s.4)

10

11 3. This act shall take effect immediately.

12

13

14

STATEMENT

15

16 This bill requires every public body in the State to provide a
17 detailed and thorough agenda, as defined in the bill, prior to holding
18 a public meeting. Public bodies covered under the bill include any
19 commission, authority, board, council, committee or any other
20 group of two or more persons organized under the laws of this
21 State, and collectively empowered as a voting body to perform a
22 public governmental function affecting the rights, duties,
23 obligations, privileges, benefits, or other legal relations of any
24 person, or collectively authorized to spend public funds including
25 the Legislature. The bill does not cover the judicial branch of the
26 government, any grand or petit jury, any parole board or any agency
27 or body acting in a parole capacity, the State Commission of
28 Investigation, the Apportionment Commission established under
29 Article IV, Section III, of the Constitution, or any political party
30 committee organized under Title 19 of the Revised Statutes.